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## Applying for a Flag Lot (Deep Lot) Subdivision

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Under certain conditions, Murray City may allow residential development on underutilized land that is isolated from a public street, but may be made accessible by a private right-of-way or easement. Flag shaped lots may be allowed in single-family residential zoning if the planning commission determines that physical or geographical impediments or property configuration hamper the effective and efficient use of property. This type of property is commonly referred to as a “flag lot” or “deep lot”.

### **Overview:**

The Murray City Planning Commission is required to review and consider in a public meeting all flag lot subdivision proposals. Concerns that are often expressed by neighboring residents and property owners are:

- Potential negative impacts on privacy,
- Proposed scale or height of home in relation to neighboring properties,
- Visual impact on established view corridors;
- Architectural quality of proposed home;
- Traffic impact on neighborhood;
- Site engineering including access, grading, storm drainage, location of utilities and easements;
- Access requirements for emergency response services (police and fire);
- Potential negative impacts on neighboring property values;
- Location of trash containers on the public street on pick up days.

### **Flag Lot Development Requirements:**

The following is a summary of the Flag Lot requirements:

- ☐ Only one flag lot may be created from an existing property;
- ☐ Must be used exclusively for a single-family residential dwelling;
- ☐ Must comply with all zoning district lot standards such as area, setbacks, lot width, etc.;
- ☐ The minimum lot area of the rear lot must be at least 125% larger than the minimum lot area required for the zoning district in which the lot is located excluding the area of the access strip;
- ☐ You must be able to provide access to the rear lot. The private street or right-of-way serving the property must be at least:
  - 28' wide, with four feet of landscaping on each side of the 20' wide drive for one dwelling unit, or

- 38' wide, with four feet of landscaping on each side of the 30' wide drive for two adjoining flag lots;
- ☐ The address of the flag lot dwelling shall be clearly visible from the public street or posted at the public street.
- ☐ **Take Note.** If there is an existing building on the property that is proposed to be demolished or remodeled, and the building is over 50 years old, it may require review by the Historic Preservation Board. Please contact Mary Ann Kirk at (801) 264-2638 for additional information.

### **Submittal Deadline:**

Application for a subdivision must be submitted to the Murray City Community Development Division, 4646 South 500 West by 10:00 a.m. at least three weeks prior to the intended date the application is to be considered by the planning commission. Incomplete applications may delay processing of the application and subsequent scheduling of public meetings.

### **Meeting Dates:**

Who?	Planning & Zoning Commission
When?	1 <sup>st</sup> & 3 <sup>rd</sup> Thursday of each month at 6:30 p.m.
Where?	Murray City Hall Council Chambers, 5025 South State Street

### **Application Fee (non-refundable):**

- ☐ Flag lot fee: \$300.00

### **Application Process and Requirements:**

**Step 1. Initial Contact.** Meet with a Murray City staff planner to discuss the subdivision proposal. Staff will provide information describing the legal requirements of the City (i.e. lot size, access, etc.) necessary to subdivide property.

**Step 2. Contact Salt Lake County Recorder's Office.** Contact the Salt Lake County Recorder's Office to ensure recordability of a proposed subdivision name. The recorder's office will not accept a proposed subdivision with a name identical to a previously recorded subdivision.

**Step 3. Submit Application:** For all flag lot applications please submit the following information:

- ☐ Completed subdivision application form.
- ☐ Property Owner's Affidavit (i.e. a written statement made before a notary). For your convenience, an affidavit has been provided on the back of the application form.
- ☐ If the property owner is to be represented by an "agent" during meetings with the City, please complete and submit the Agent Authorization form (also provided on the back of the application form).
- ☐ Payment of application fee.

- ☐ Information required for a subdivision as found on Applying for a Subdivision form.

**Step 4. Attend the Planning Review Meeting.** The meeting is held on the Monday following the application deadline at 1:00 p.m. in the Public Services building conference room, located at 4646 South 500 West, Murray, Utah. If the meeting date falls on a holiday, check with planning staff for the date of the meeting. This meeting is attended by representatives of the various city departments who provide additional insight or information which will be useful to the Planning Commission to make a decision.

**Step 5. Attend Planning Commission Meeting.** The Planning Commission will conduct a public meeting on the subdivision application. At the public meeting, the applicant, the applicant agent, and all other members of the public who desire to ask questions, state concerns, or provide oral testimony either for or against the application are invited to do so. All comments are recorded and considered by the Planning Commission. The Planning Commission will review the submitted information and determine compliance with the standards and criteria of the City. Following the public meeting, the Planning Commission may:

- Approve application as presented. If the preliminary subdivision plan is approved, the applicant may continue to the next step in the process. During final review the applicant will be required to demonstrate compliance with all applicable ordinances and subdivision development standards.
- Approve application with modification/conditions. If the preliminary plan is approved with modifications/conditions, the applicant must develop plans to comply with all specified modifications/conditions of approval. The applicant may then proceed to the next step in the process. During final review the applicant will be required to demonstrate compliance with all applicable ordinances and subdivision development standards, and all other modifications/conditions of the Planning Commission.
- Continue or “table” application. If the application is continued for further study and research or to receive additional information, the application will be on hold until such time as the study is completed. The application will be rescheduled for Planning Commission consideration once the application is ready for review.
- Deny application based on “findings of fact”. If the application is denied, the applicant or any other interested party may appeal the decision of the Planning Commission to the Board of Adjustment within 30 days of the decision.

### **Appeal of Planning Commission Decision:**

Anyone aggrieved with a decision of the Planning Commission may appeal the decision to the Board of Adjustment. The appellant may be the applicant, neighboring property owner, an affected resident, or even the City itself. Appeals must be in writing and received by the Community Development Division within thirty (30) days of the Commission’s decision. Appeals must contain all pertinent documents and state the reason(s) for the appeal. Payment of a fee is required at the time of filing.

# FLAG LOT SUBDIVISION APPLICATION

Subject Property Address:\_\_\_\_\_

Parcel Identification (Sidwell) Number:\_\_\_\_\_

Parcel Area:\_\_\_\_\_ Current Use:\_\_\_\_\_

Floor Area:\_\_\_\_\_ Zoning Classification:\_\_\_\_\_

Applicant Name:\_\_\_\_\_

Mailing Address:\_\_\_\_\_

City, State, ZIP:\_\_\_\_\_

Daytime Phone #:\_\_\_\_\_ Fax #:\_\_\_\_\_

Email address \_\_\_\_\_

Business Name (If applicable):\_\_\_\_\_

Property Owner's Name (If different):\_\_\_\_\_

Property Owner's Mailing Address:\_\_\_\_\_

City, State, Zip:\_\_\_\_\_

Daytime Phone #:\_\_\_\_\_ Fax #:\_\_\_\_\_

Describe your request in detail (use additional page if necessary):\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Authorized Signature:\_\_\_\_\_ Date:\_\_\_\_\_

## Property Owners Affidavit

I (we) \_\_\_\_\_, being first duly sworn, depose and say that I (we) am (are) the current owner of the property involved in this application: that I (we) have read the application and attached plans and other exhibits and are familiar with its contents; and that said contents are in all respects true and correct based upon my personal knowledge.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

Subscribed and sworn to before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_\_.

\_\_\_\_\_  
Notary Public

Residing in \_\_\_\_\_

My commission expires: \_\_\_\_\_

### Agent Authorization

I (we), \_\_\_\_\_, the owner(s) of the real property located at \_\_\_\_\_, in Murray City, Utah, do hereby appoint \_\_\_\_\_, as my (our) agent to represent me (us) with regard to this application affecting the above described real property, and authorize \_\_\_\_\_ to appear on my (our) behalf before any City board or commission considering this application.

\_\_\_\_\_  
Owner's Signature

\_\_\_\_\_  
Owner's Signature (co-owner if any)

On the \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_, personally appeared before me

\_\_\_\_\_ the signer(s) of the above *Agent Authorization* who duly acknowledge to me that they executed the same.

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Mailing Address:\_\_\_\_\_

City, State, ZIP:\_\_\_\_\_

Daytime Phone #:\_\_\_\_\_ Fax #:\_\_\_\_\_

Email address \_\_\_\_\_

Business Name (If applicable):\_\_\_\_\_

Property Owner's Name (If different):\_\_\_\_\_

Property Owner's Mailing Address:\_\_\_\_\_

City, State, Zip:\_\_\_\_\_

Daytime Phone #:\_\_\_\_\_ Fax #:\_\_\_\_\_

Describe your request in detail (use additional page if necessary):\_\_\_\_\_

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Authorized Signature:\_\_\_\_\_ Date:\_\_\_\_\_

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Owner's Signature

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